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Permit No.: ST-9054
Issuance Date: June 30, 2003
Effective Date: August 1, 2003
Expiration Date: July 31, 2008

STATE WASTE DISCHARGE PERMIT NUMBER ST-9054

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGIONAL OFFICE

In compliance with the provisions of the
State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended,
authorizes

COVENTRY VALE WINERY
P.O. BOX 249
GRANDVIEW, WA 98930-0249

to discharge wastewater in accordance with the special and general conditions which follow.

<u>Facility Location:</u>	<u>Discharge Location:</u>
160602 W. Evans Road, Benton County	N½ NW¼ Section 16, T. 9 N., R. 24 E.W.M.
<u>Industry Type</u>	Latitude: 46° 16' 22" N
Winery, Grape juice production	Longitude: 119° 49' 41" W.
<u>SIC Code:</u>	
2084, 2033	

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Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions sections of this permit for unscheduled submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.	Discharge Monitoring Report	Quarterly	October 15, 2003 ^a
S5.A.	Operations and Maintenance Manual	1/permit cycle	July 15, 2005
S6.C.	Solid Waste Control Plan	1/permit cycle	July 15, 2004
S6.C.	Solid Waste Control Plan Update	1/permit cycle	July 15, 2007
S7.	Spill Plan	1/permit cycle	July 15, 2004
S8.A	Scope of Work for Engineering Report	1/permit cycle	November 1, 2003 ^b
S8.B	Preliminary Engineering Report	1/permit cycle	April 15, 2005
S8.C	Engineering Report	1/permit cycle	July 15, 2005
G7.	Application for permit renewal	1/permit cycle	July 31, 2007 ^c

^a Quarterly submittal dates are January 15, April, 15, July 15, and October 15

^b 90 days after issuance of permit

^c At least one (1) year before permit expiration

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. Beginning on **August 1, 2003** and lasting through **July 31, 2008**, the Permittee is authorized to discharge wastewater to evaporation ponds at the permitted location.

B. Best Management Practices/Pollution Prevention

The Permittee shall comply with the following Best Management Practices so as to prevent pollution to waters of the State:

- Do not commingle process wastewater streams with sanitary (domestic) sewage;
- Do not discharge in excess of the hydraulic capacity of the pond so that the pond overflows; and,
- Do not discharge priority pollutants, dangerous wastes, or toxics in toxic amounts.

S2. MONITORING REQUIREMENTS

A. Wastewater Monitoring

The Permittee shall monitor the process wastewater according to the following schedule:

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow ^a	Gallons (100s)	Pipe out of lift station	Twice Monthly	Meter
Total Monthly Cumulative Flow	Gallons	Not Applicable	Monthly	Calculation
pH	Standard Units	Pond 1 & 2 ^b ; and pipe into ponds	Twice monthly	Grab
BOD ₅	mg/l	Pond 1	Monthly	Grab
TDS ^c	mg/l	Pond 1	Monthly	Grab
TKN ^c (as N)	mg/l	Pond 1	Monthly	Grab
NO ₃ (as N)	mg/l	Pond 1	Monthly	Grab
NH ₃ (as N)	mg/l	Pond 1	Monthly	Grab
Chloride	mg/l	Pond 1	Monthly	Grab
BOD ₅	mg/l	Lift Station	Monthly	Composite
TDS ^c	mg/l	Lift Station	Monthly	Composite
TKN ^d (as N)	mg/l	Lift Station	Monthly	Composite
NO ₃ (as N)	mg/l	Lift Station	Monthly	Composite
NH ₃ (as N)	mg/l	Lift Station	Monthly	Composite
Chloride	mg/l	Lift Station	Monthly	Composite
Evaporation Pond Wastewater Depth	Inches	Staff gauge in both ponds	Twice monthly	Measurement
^a Report exact reading on totalizing meter.				
^b Ponds to be sampled are the two ponds south of Hanks Road constructed in 2001. Pond 1 and Pond 2 are situated west and east respectively.				
^c TDS is total dissolved solids.				
^d TKN is total Kjeldahl nitrogen.				

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B. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least three years.

C. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

D. Request for Reduction of Monitoring

The Permittee may request a reduction of the sampling frequency after 12 months of monitoring. The request shall: 1) be in written form, 2) clearly state the parameters for which the reduction in monitoring is being requested, and 3) clearly state the justification for the reduction. Any request for reduction in monitoring shall be granted at the Department of Ecology's (Department) discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **August 1, 2003**. Monitoring results shall be submitted quarterly. Monitoring results obtained during the previous 3 months shall be reported on the monthly forms as provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than 45 days following the reporting period.

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The report shall be sent to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within thirty (30) days after becoming aware of the violation;
3. Immediately notify the Department of the failure to comply; and

4. Submit a detailed written report to the Department within thirty days, unless requested earlier by the Department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. FACILITY LOADING

The design criteria shall be determined in the approved engineering report for the wastewater treatment system (S8). The design criteria developed in the engineering report shall be incorporated into the following permit. The maximum effluent depth for the evaporation ponds is given in requirements for the Operations and Maintenance Manual (S5.B).

S5. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department on or before **July 15, 2005**. The Permittee shall confirm the review by letter and/or a manual update to the Department. All manual changes or updates shall be submitted to the Department whenever they are incorporated into the manual. The operation and maintenance manual shall be kept available at the permitted facility.

The operation and maintenance manual shall contain the treatment plant process control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

The manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Plant maintenance procedures related to the generation of process wastewater;
3. Flow meter maintenance and operation;
4. Proper cleaning techniques of the evaporation ponds so as to prevent tearing of the liners;
5. Inspection routines to ensure the integrity of liner seams;
6. Protocols and procedures for monitoring wastewater depth in the ponds;

B. Evaporation Pond Depth

The operation and maintenance of the evaporation ponds south of Hanks Road shall not allow process wastewater to exceed the depth given in the following table:

Permit Limitations: Maximum Depth of Wastewater in Evaporation Ponds		
Pond Designation	Units	Maximum Limits
Pond 1	Inches	78
Pond 2	Inches	60

C. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. *Unavoidable Bypass* -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with Special Condition S3.E "Noncompliance Notification."

2. *Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions* -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall apply to the Department for the administrative order at least thirty (30) days before the planned date of bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:
 - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit;
 - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility; and,
 - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. *Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions* -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of the limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

S6. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into ground or surface waters of the State.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing all known, available and reasonable methods of prevention, control and treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit a Solid Waste Control Plan to the Department no later than **July 15, 2004**. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof. The Permittee shall submit an update of the Solid Waste Control Plan by **July 31, 2007** (with the application for permit renewal).

S7. SPILL PREVENTION AND CONTROL PLAN

On or before **July 15, 2004**, the Permittee shall submit to the Department a Spill Prevention and Control Plan for the prevention, containment, and control of spills or unplanned releases. The Permittee shall review the plan at least annually and update the plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The spill plan, and subsequent updated spill control plan(s) shall include the following:

- A description of operator training to implement the plan;
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill;
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials;
- A list of all oil and petroleum products, materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or

Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or other materials, including product or raw materials, which may become pollutants or cause pollution upon reaching waters of the State; and,

- Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

S8. ENGINEERING REPORT

The facility specific goal and objective for the Engineering Report is to ensure protection of ground water quality standards given in Chapter 173-200 WAC. The Engineering Report shall address the entire treatment system.

A. Scope of Work for Engineering Report

A scope of work for the Engineering Report shall be submitted to the Department by **November 1, 2003**. The scope of work shall provide details of how the Permittee plans to characterize the variability of process wastewater.

B. Preliminary Engineer Report

Due 90 days before final engineering report (**April 15, 2005**).

C. Final Engineer Report

By **July 15, 2005**, two copies of an approvable **Engineering Report** shall be submitted to the Department for review and approval. The Engineering Report shall be prepared by the Permittee in accordance with WAC 173-240 in general and WAC 173-240-130 in particular. The Engineering Report shall also address:

1. Original Treatment Pond

This section shall detail plans to either decommission or re-configure the old (original) evaporation lagoon located north of Hanks Road. If the lagoon is re-configured, the resultant design shall be protective of ground water quality standards;

2. Design Criteria

Address the two new treatment ponds' evaporative capacity, based on a monthly water balance.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization; and,
 - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the State. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the

permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the State; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least one hundred eighty (180) days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least one (1) year prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner; and,
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G10. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.